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**BILL 35-20, HUMAN RIGHTS AND CIVIL LIBERTIES –
FAIR CRIMINAL RECORD SCREENING STANDARDS - AMENDMENTS
SEPTEMBER 15, 2020
PUBLIC HEARING**

While the Gaithersburg-Germantown Chamber of Commerce understands the rationale behind the proposed Bill 35-20 addressing the Fair Criminal Record Screening Standards, there are some concerns we would like to see addressed prior to any final legislation. The Chamber worked closely with the County Council in 2014 on Bill 36-14 and two the same issues still apply.

1. The primary concern is the timing of when an employer is allowed to ask the question. We strongly believe that the question should continue to be allowed at the conclusion of the first interview. Eliminating the question from the application and from the first interview allows an individual the opportunity to be screened without bias. Waiting until a conditional offer puts an undue burden on the employer. Hiring staff is a costly, timely endeavor. The longer it takes to hire someone the more expensive it is and the greater the risk that qualified candidates will find other jobs during the lengthy process. Requiring a conditional offer be made prior to asking the candidate for the information or doing a criminal background check on convictions is too late in the process. We recommend leaving timing of the question as it is currently stated in Bill 36-14.
2. The size of employer impacted by this Bill is way too small. Most companies of less than 10 or 20 employees do not have a Human Resources Department or even an HR Manager. The function is typically done by the CEO or Office Manager. The process needs to be efficient, not only because it takes time away from running the business, but because having an open position can greatly impact productivity. The timing of hiring decisions is much more critical in a small company, particularly in positions that require financial bonding. There will be scenarios where someone with a criminal background cannot meet the certification requirements for that job. It is counterproductive for both parties to go through the selection process if a candidate is ultimately restricted from the job.

Thank you for your consideration.